REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1-20 are presently pending in this case. Claims 1, 8, 15, and 16 are amended by the present amendment. As amended Claims 1, 8, 15, and 16 are supported by the original disclosure,[1] no new matter is added.

In the outstanding Official Action, the specification was objected to; and Claims 1-20 were rejected under 35 U.S.C. §103(a) as unpatentable over Ravi et al. (U.S. Patent No. 6,292,834, hereinafter "Ravi") in view of Frerichs et al. (U.S. Patent Application Publication No. 20020120747, hereinafter "Frerichs") and further in view of Ka Ming et al. (U.S. Patent No. 6,993,283, hereinafter "Ka Ming").

With regard to the objection to the specification, Claim 15 is amended to recite a computer recording medium. Accordingly, the objection to the specification is believed to be overcome.

With regard to the rejection of Claim 1 as unpatentable over Ravi in view of Frerichs and further in view of Ka Ming, that rejection is respectfully traversed.

Amended Claim 1 recites in part:

> memory means for temporarily storing the compressed data downloaded;
> data expanding means for expanding the compressed data stored in the memory means;
> reproducing means for performing streaming reproduction on data expanded by the data expanding means;
> detecting means for detecting a data size of the compressed data temporarily stored in the memory means and a compression rate of the compressed data downloaded; and
> control means for *changing a threshold value for the data size of the compressed data stored in the memory means based on the compression rate* detected by the detecting means, and *reading the compressed data from the memory means when the data size of the compressed data temporarily*

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[1] See, e.g., the specification at page 17, line 24 to page 18, line 6.

> *stored in the memory means exceeds the threshold and*
> *transferring the compressed data to the data expanding*
> *means*, said control means *temporarily stopping reproduction*
> *when the compressed data is determined as being less than or*
> *equal to the threshold value until the compressed data is*
> *determined as being greater than the threshold value.*

With regard to Claim 8, the outstanding Office Action cited the controlled bandwidth

of Ravi as "a threshold value," but conceded that Ravi does not teach or suggest detecting a

compression rate of compressed data downloaded or "temporarily stopping reproduction" as

defined in the pending claims, and cited Frerichs as describing these features.[2] However, it is

respectfully submitted that the comparison of the average client packet computational rate

with a bandwidth (transmission rate) in Ravi does not describe changing a threshold value

based on a *compression rate*. The compression rate of compressed data depends on how the

compressed data is generated, so that the compression rate varies depending on the data.

Further, the receiver *cannot* change the compression rate when receiving the compressed

data, while the bandwidth does not depend on the data and can be changed, as described by

Ravi. Moreover, Frerichs also only describes measuring a bit rate and changing a low

watermark based on the *bit rate*.[3] Finally, although Ka Ming describes that the MP-3

algorithm provides varying compression ratios, Ka Ming does not describe *any* threshold is

controlled based on a measured compression ratio.

Thus, as none of the cited references teach or suggest "changing a threshold value for

the data size of the compressed data stored in the memory means *based on the compression*

rate," the proposed combination cannot teach or suggest "control means" as defined in

amended Claim 1. Consequently, Claim 1 (and Claims 2-7 dependent therefrom) is

patentable over Ravi in view of Frerichs and further in view of Ka Ming.

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[2]See the outstanding Office Action at page 4, lines 10-15 and page 5, lines 9-22.
[3]See Frerichs, paragraphs 20 and 21.

Amended Claims 8 and 15 recite in part "changing a threshold value for the data size of the compressed data *based on the compression rate* detected in the detecting."

As noted above, <u>Ravi</u> and <u>Frerichs</u> only describe measuring a bit rate, not a compression rate. Accordingly, neither these references can describe changing a threshold value based on a compression rate. Further, <u>Ka Ming</u> describes different compression rates, but does not describe changing a threshold value based on a compression rate. Consequently, as the proposed combination cannot teach or suggest "changing a threshold value" as defined in Claims 8 and 15, Claims 8 and 15 (and Claims 9-14 dependent therefrom) are also patentable over <u>Ravi</u> in view of <u>Frerichs</u> and further in view of <u>Ka Ming</u>.

Claim 16 recites in part:

> a controller configured to *change a threshold value for the data size of the compressed data stored in the memory based on the compression rate* detected by the detector, to read the compressed data from the memory when the data size of the compressed data temporarily stored in the memory exceeds the threshold, to transfer the compressed data to the data expanding unit, and to temporarily stop reproduction when the compressed data is determined as being less than or equal to the threshold value until the compressed data is determined as being greater than the threshold value.

As noted above, <u>Ravi</u> and <u>Frerichs</u> only describe a device that measures a bit rate, not a compression rate. Accordingly, neither these references can describe any device that changes a threshold value based on a compression rate. Further, <u>Ka Ming</u> describes different compression rates, but does not describe any device that changes a threshold value based on a compression rate. Thus, it is respectfully submitted that the proposed combination cannot teach or suggest "a controller" as defined in Claim 16. Consequently, Claim 16 (and Claims 17-20 dependent therefrom) is also patentable over the cited references.
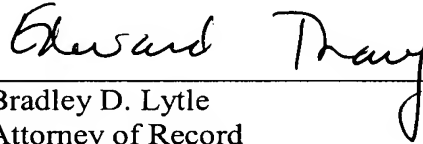
Accordingly, the pending claims are believed to be in condition for formal allowance.

An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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